

SCOTT N. SCHOOLS (SCBN 9990)
United States Attorney

BRIAN STRETCH (CSBN 163973)
Chief, Criminal Division

THOMAS M. O'CONNELL (NYSBN 1801950)
Assistant United States Attorney

150 Almaden Blvd., Suite 900
San Jose, California 95113
Telephone: (408) 535-5053
FAX: (408) 535-5066
Thomas.M.OConnell@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 07-00251 RMW
)	
Plaintiff,)	
)	STIPULATION AND [PROPOSED]
v.)	ORDER EXCLUDING TIME
)	
JOSE HERNANDEZ BONILLA, JR.,)	
)	
Defendants.)	SAN JOSE VENUE
)	

On August 28, 2007, the parties in this case appeared before the Court for status conference. The parties jointly requested that the case be continued from August 28, 2007, until October 1, 2007 at 9:00 a.m. in order for counsel for defendant and the Government to discuss a possible resolution of the case. In addition, the parties requested an exclusion of time under the Speedy Trial Act from August 28, 2007 to October 1, 2007 at 9:00 a.m. The parties agree and stipulate that an exclusion of time is appropriate based on the defendant's need for effective preparation of counsel.

//

1 SO STIPULATED:

SCOTT N. SCHOOLS
United States Attorney

2
3 DATED:

_____/s/_____
THOMAS M. O'CONNELL
Assistant United States Attorney

4
5
6 DATED:

_____/s/_____
LARA VINARD, ACPD
Counsel for BONILLA

7
8
9 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded
10 under the Speedy Trial Act from to August 28, 2007 to October 1, 2007. The Court finds, based
11 on the aforementioned reasons, that the ends of justice served by granting the requested
12 continuance outweigh the best interest of the public and the defendant in a speedy trial. The
13 failure to grant the requested continuance would deny defense counsel reasonable time necessary
14 for effective preparation, taking into account the exercise of due diligence, and would result in a
15 miscarriage of justice. The Court therefore concludes that this exclusion of time should be made
16 under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

17 SO ORDERED.

18
19 DATED:_____

RONALD M. WHYTE
United States District Judge